

ORDINANCE NO. 11630
(New Series)

JUN 5 1975

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 27.2926, 27.2927, 27.2928 AND 27.2929 AND BY AMENDING SECTIONS 27.2903, 27.2921, 27.2931, 27.2932, 27.2934, 27.2936, 27.2941, 27.2942, 27.2951 AND 27.2953 RELATING TO THE SAN DIEGO MUNICIPAL ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE CONTROL ORDINANCE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 7, Division 29 of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

- SEC. 27.2926 CAMPAIGN CONTRIBUTION TRUST ACCOUNT--
ESTABLISHMENT
- SEC. 27.2927 CAMPAIGN CONTRIBUTION TRUST ACCOUNT--
DISBURSEMENTS
- SEC. 27.2928 CAMPAIGN CONTRIBUTION TRUST ACCOUNT--
SURPLUS FUNDS
- SEC. 27.2929 CAMPAIGN CONTRIBUTION TRUST ACCOUNT--
CONFIDENTIALITY

Section 2. That Chapter II, Article 7, Division 29 of the San Diego Municipal Code be and it is hereby amended by amending Sections 27.2903, 27.2921, 27.2931, 27.2932, 27.2934, 27.2936, 27.2941, 27.2942, 27.2951 and 27.2953 to read as follows:

- SEC. 27.2903 DEFINITIONS

Whenever in this division the following words or phrases are used, they shall mean:

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(a) "Broadcast station" shall mean a person who engages in the dissemination of radio communication as defined in the Federal Communications Act of 1934. "Broadcast station" includes each cable television system franchised or otherwise licensed by the City.

(b) "Campaign statement" shall mean an itemized report, made according to a form prescribed and supplied by the City Clerk, which, when completed and filed, provides the information required in Section 27.2932 of this division.

(c) "Candidate" shall mean any individual who is listed on the ballot for nomination for or election to any City office, or who otherwise has taken affirmative action to seek nomination or election to public office, or who receives a contribution or makes an expenditure or gives his consent for any other person to receive a contribution or make expenditure with a view to bringing about his nomination or election to any City office, whether or not the specific City office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he has announced his candidacy or filed a declaration of candidacy at such time. "Candidate" also includes the holder of any City office who is the subject of a recall election.

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(d) "City office" shall mean the offices of Mayor, Councilman and City Attorney of The City of San Diego.

(e) "Closing date" means the date through which any report or statement filed under this division is required to be complete.

(f) "Committee" shall mean any person or combination of two or more persons acting jointly in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(g) "Contribution" shall mean a gift, subscription, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events; a candidate's own money or property used on behalf of his candidacy; the granting of credit in the normal course of business; the granting to a candidate or committee of discounts or rebates not available to the general public; and payments for the services

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of any person serving in behalf of a candidate or committee, when such payments are not made from contributions the candidate or committee otherwise must report under the terms of this division. The term "contribution" further includes any transfer, gift, loan, advance, deposit, pledge, contract agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, received directly or indirectly by a committee from another committee. The term "contribution" shall not include a gift of service or labor when volunteered by the person performing the service or labor, but shall include a gift of service or labor paid for by a person other than the person performing the service or labor. The term "contribution" shall not include the cost of an event held in honor or behalf of a candidate or committee when the total cost of the event amounts to no more than two hundred dollars (\$200) and when the event is not held for the purpose of obtaining contributions to the candidate or committee.

(h) "Election" shall mean any primary, general or special municipal election held in the City of San Diego, including an initiative, referendum or recall election.

(i) "Enforcement authority" shall mean the officer, agent or organization designated by resolution

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of the City Council to enforce the provisions of this division. Nothing in this division shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this division under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(j) "Expenditure" shall mean a payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or adoption of one or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee.

(k) "Measure" shall mean any City Charter amendment or other proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

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(1) "Occupation and principal place of business" shall mean the type of work or title, name of employer or employing organization and city of employment or, if self-employed, the type of work or profession and city where self-employed of any person whose "occupation and principal place of business" is required to be disclosed by the terms of this division.

(m) "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

SEC. 27.2921 CAMPAIGN CONTRIBUTION TRUST FUND--
ESTABLISHED--TRUSTEE--ACCOUNTS

The City Auditor and Comptroller shall establish a Campaign Contribution Trust Fund of which he shall serve as trustee. Every campaign contribution to a candidate or committee immediately upon its receipt by the candidate, committee or campaign treasurer shall be paid over to the Campaign Contribution Trust Fund. The trustee shall keep the contributions received by the Fund segregated in accounts established for each candidate and each committee, which accounts shall hereinafter be referred to as Fund accounts. Where a candidate and a committee are permitted under paragraph (f) of Section 27.2931 to file a joint campaign statement, the trustee may establish and maintain one joint Fund account for the candidate and the committee.

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SEC. 27.2931 CAMPAIGN STATEMENT--REQUIRED

(a) Each candidate and each committee supporting or opposing a candidate or candidates shall file a campaign statement not later than:

(1) Thirty-three days prior to the primary election;

(2) Seven days prior to the primary election;

(3) Seven days prior to the general election;

(4) Within 65 days after the general election.

(b) Each committee supporting or opposing one or more measures shall file a campaign statement not later than:

(1) Thirty-five days prior to the election;

(2) Seven days prior to the election;

(3) Not later than 70 days after the election.

(c) Not later than 65 days after a measure has been qualified for the ballot, the proponents shall file a campaign statement, the closing date of which shall be the 58th day following qualification of the measure.

(d) If any proposed measure does not qualify for the ballot, the proponents shall file a campaign statement within 65 days after the final deadline for circulating the petition, the closing date of which shall be the 58th day following the deadline.

(e) Every candidate and committee that receives contributions or makes expenditures during the periods specified in this paragraph, and every official holding an elected City office shall file campaign statements as provided in this paragraph, unless the candidate, committee or person holding elected City office is required to file campaign statements in connection with any election or elections held within the periods specified in subparagraphs (1) and (2):

(1) For the period January 1 through June 30, campaign statements shall be filed not later than July 31.

(2) For the period July 1 through December 31, campaign statements shall be filed not later than January 31.

If a campaign statement was filed in connection with an election held during the six-month period specified in this paragraph, the period covered by the campaign statement filed pursuant to this paragraph shall begin from the day after the closing date of the previous campaign statement. So long as a candidate

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or committee has unpaid obligations, whether legally enforceable or not, still outstanding or has unexpended balances of contributions totaling more than one hundred dollars (\$100), the candidate or committee shall file a campaign statement at the times specified in this paragraph.

(f) Where a committee is formed for the sole purpose of acting in aid of or in behalf of the nomination or election of a candidate and the contributions received and expenditures made by the committee are identical to those contributions received and expenditures made by the candidate, one joint campaign statement may be filed by the candidate and the committee at each time required by this section.

SEC. 27.2932 CAMPAIGN STATEMENT--CONTENTS

(a) Each campaign statement filed in accordance with the terms of this division shall contain the following information:

(1) Under the heading "receipts," the total amount of contributions received, and under the heading "expenditures," the total amount of expenditures made during the period covered by the campaign statement and the cumulative amount of such totals (provided that if any loans have been repaid during the period covered by the campaign statement, the amount of such repayment shall be

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subtracted from the total amount of contributions received and expenditures made, and provided further that forgiveness of a loan or payment of a loan by a third party shall not be included in such totals).

(2) The total amount of contributions received during the period covered by the campaign statement from persons who have given fifty dollars (\$50) or more.

(3) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than fifty dollars (\$50).

(4) The total amount of expenditures made during the period covered by the campaign statement to persons who have received fifty dollars (\$50) or more.

(5) The total amount of expenditures disbursed during the period covered by the campaign statement to persons who have received less than fifty dollars (\$50).

(6) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(7) The full name of each person from whom a contribution or contributions totaling fifty

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dollars (\$50) or more has been received, together with his street address, occupation, and the name of his employer, if any, or the principal place of business if he is self-employed, the amount he contributed, the date on which each contribution was received during the period covered by the campaign statement, and the cumulative amount he contributed. In the case of committees which are listed as contributors, the campaign statement shall also contain the number assigned to the committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated in regard to the lender and any person who is liable directly, indirectly or contingently on the loan, together with the date and amount of the loan and, if the loan has been repaid, the date of repayment and by whom paid.

(8) The full name and street address of each person to whom an expenditure or expenditures totaling fifty dollars (\$50) or more has been made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement; a brief

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description of the consideration for which the expenditure was made; the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee; and in the case of committees which are listed, the number assigned to each such committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee.

(9) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures for or against each such candidate or measure.

(10) The full name, residential and business addresses and telephone numbers of the filer or, in the case of a campaign statement filed by a committee, the name and telephone number of the committee and the committee's street address and telephone number.

(11) In a campaign statement filed by a candidate, the full name and street address of any committee, of which he has knowledge, which

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has received contributions or made expenditures on behalf of his candidacy, along with the full name, street address and telephone number of the treasurer of such committee.

(12) In the case of extensions of credit totaling fifty dollars (\$50) or more in the normal course of business, the name of the business entity, the business address, the amount of credit extended and the purpose for which the credit was extended.

(b) Where goods, materials, services, facilities or anything of value other than money is contributed or expended, the monetary value thereof shall be the fair market value.

(c) Campaign statements shall include all information which is required by this section, but which has not been reported previously, for contributions and expenditures as recorded by the campaign treasurer under the requirements of paragraph (a) of Section 27.2912 of this division up to no more than three (3) days prior to the filing deadline, paragraph (c) of Section 27.2912 of this division to the contrary notwithstanding.

(d) In order to determine for purposes of subparagraphs (2), (3), (4), (5), (7), and (8) of paragraph (a) of this section whether fifty dollars

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(\$50) has been contributed by or expended to any person, only those contributions and expenditures which are includable within the cumulative amount shall be considered.

SEC. 27.2934 CAMPAIGN STATEMENT--FILING

Each campaign statement required to be filed by this division shall be filed with the City Clerk, at his office, during regular business hours. When a campaign statement required to be filed by this division has been sent by first-class registered mail, addressed to the City Clerk, at his office, it shall, for the purposes of any deadline, be deemed to have been received by the City Clerk on the date of the deposit in the mail. It shall be presumed until the contrary is established that the date shown by the post office cancellation mark on the envelope containing the campaign statement is the date it was deposited in the mail.

SEC. 27.2936 CAMPAIGN STATEMENT--EXCEPTIONS--
DECLARATION

A candidate is not required to file a campaign statement if neither the contributions received nor the expenditures made on behalf of the campaign exceed two hundred dollars (\$200). However, such a candidate shall file with the City Clerk a written declaration, verified as provided in paragraph (c) of Section 27.2933, at the times specified in Section 27.2931, that neither the campaign

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contributions nor the expenditures of the candidate have exceeded two hundred dollars (\$200). If contributions received or expenditures made thereafter exceed a sum total of two hundred dollars (\$200), including contributions or expenditures made previously, the candidate shall file campaign statements thereafter at the times required by this division.

SEC. 27.2941 CAMPAIGN CONTRIBUTIONS--LIMITATIONS

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed two hundred and fifty dollars (\$250).

(b) No person shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to a measure to exceed five hundred dollars (\$500).

(c) No candidate shall make any contribution which will cause the total amount contributed by him to his campaign treasurer and all political committees supporting him to exceed, with respect to a single

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election, ten times the limit specified in paragraph (a) of this section.

(d) No contribution or expenditure of fifty dollars (\$50) or more shall be made in cash. Any contribution of fifty dollars (\$50) or more other than an in-kind contribution shall be made by a written instrument containing the name of the donor and the name of the payee.

(e) Extensions of credit for a period of more than thirty (30) days are prohibited. Extensions of credit of more than two hundred fifty dollars (\$250) are prohibited. Provided, however, a candidate may personally borrow such funds within the total permitted by paragraph (c) above and such funds shall be considered as a contribution by the candidate himself; provided, further, however, that such transaction is fully disclosed and documented.

(f) If any person is found guilty of violating the terms of this section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this section to the City Treasurer for deposit in the General Fund of the City.

SEC. 27.2942 CORPORATE AND LABOR UNION CONTRIBUTIONS

(a) No corporation, partnership, labor union or other business or labor organization shall make a

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contribution to any candidate or committee; provided, however, that this section shall not apply to contributions made to a committee which is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more measures.

(b) No officer, partner, employee, agent or attorney or other representative of a corporation, partnership, labor union or other business or labor organization shall aid, abet, advise or participate in a violation of this section.

(c) No person shall knowingly accept a payment or contribution made in violation of this section.

(d) If a campaign treasurer is offered a contribution which would be in excess of the limitation, the treasurer must refuse the contribution. If, however, a contribution is received which is in violation of this section, he shall report in writing within five (5) days of the receipt of the contribution to the Enforcement Authority the facts surrounding such payment or contribution. Any such payment or contribution received shall be paid to the treasurer of The City of San Diego, who shall cause such money to be placed in the Election Fund (Department 03.90) to be used for the purpose of defraying the costs of elections borne by The City of San Diego, and shall not be used to benefit any candidate or committee.

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SEC. 27.2951 CAMPAIGN EXPENDITURES--UNCONTROLLED BY
CANDIDATE OR COMMITTEE

Persons or organizations not subject to the control of a candidate or committee but who make expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or committee, when such expenditures in whole or part would have been covered by the provisions of this ordinance if they were subject to the control of a candidate or committee. Such persons or organizations shall comply with all filing requirements imposed on candidates and committees by this division.

SEC. 27.2953 CAMPAIGN EXPENDITURES RECEIVED BY
COMMUNICATIONS MEDIA--STATEMENT REQUIRED

Each candidate or committee shall require each newspaper, periodical, broadcast station, direct mailing company, printer and advertising agency which accepts expenditures from such candidate, committee or campaign treasurer, not more than ten (10) days and not less than seven (7) days before an election, and again not more than thirty (30) days after an election, to file with the City Clerk a statement listing the amounts paid and obligations incurred by such candidate, political committee or political treasurer with respect to such election. Such statement shall be verified as provided in paragraph (c) of Section 27.2933. At the discretion of either the City Clerk or the Enforcement Agency a consolidated statement

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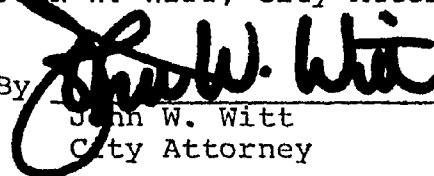
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may be filed of all amounts paid and obligations incurred by every candidate and committee from whom such newspaper, periodical, broadcast station, direct mailing company, printer or advertising agency has accepted expenditures. Such a consolidated statement shall state separately the expenditures of each candidate and committee.

Section 3. Pursuant to Section 17 of the Charter of The City of San Diego, this ordinance, as one relating to elections, shall take effect and be in force on June 20, 1975.

APPROVED: JOHN W. WITT, City Attorney

By



John W. Witt
City Attorney

JWW:as:048.3
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Passed and adopted by the Council of The City of San Diego on JUN 5 1975,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUN 5 1975, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

RECEIVED
 CITY CLERK'S OFFICE

1975 MAY 22 AM 10:29

SAN DIEGO, CALIF. MICROFILMED
 MAY 5 1978

CC-1255-B (REV. 1-75)

Office of the City Clerk, San Diego, California	
Ordinance Number	<u>11630</u> Adopted <u>JUN 5 1975</u>
<u>00193</u>	

RECEIVED
CITY CLERK'S OFFICE

1975 JUN 23 PM 4:08

SAN DIEGO, CALIF. *gw*

ATTORNEY(S)

San Diego, City of
12th Floor City Admin. Bldg.
San Diego, Ca. 92101
Kathleen Martinez

~~IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO~~

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

Muni election campaign contrib.

JUN 23 1975 *gw*

I, PATRICIA M. APPLESTILL hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

ORDINANCE NO. 11630

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

June 20, 1975

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

June 20, 1975 .

Patricia M. Applestill
(Signature)

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ORDINANCE NO. 11630
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 29 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 27.2926, 27.2927, 27.2928 AND 27.2929 AND BY AMENDING SECTIONS 27.2903, 27.2921, 27.2931, 27.2932, 27.2934, 27.2936, 27.2941, 27.2942, 27.2951 AND 27.2953 RELATING TO THE SAN DIEGO MUNICIPAL ELECTION CAMPAIGN CONTRIBUTION AND EXPENDITURE CONTROL ORDINANCE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows: Section 1. That Chapter II, Article 7, Division 29 of the San Diego Municipal Code be and it is hereby amended by repealing the following sections:

- SEC. 27.2926 CAMPAIGN CONTRIBUTION TRUST ACCOUNT — ESTABLISHMENT
- SEC. 27.2927 CAMPAIGN CONTRIBUTION TRUST ACCOUNT — DISBURSEMENTS
- SEC. 27.2928 CAMPAIGN CONTRIBUTION TRUST ACCOUNT — SURPLUS FUNDS
- SEC. 27.2929 CAMPAIGN CONTRIBUTION TRUST ACCOUNT — CONFIDENTIALITY

Section 2. That Chapter II, Article 7, Division 29 of the San Diego Municipal Code be and it is hereby amended by amending Sections 27.2903, 27.2921, 27.2931, 27.2932, 27.2934, 27.2936, 27.2941, 27.2942, 27.2951 and 27.2953 to read as follows:

SEC. 27.2903 DEFINITIONS

Whenever in this division the following words or phrases are used, they shall mean:

(a) "Broadcast station" shall mean a person who engages in the dissemination of radio communication as defined in the Federal Communications Act of 1934. "Broadcast station" includes each cable television system franchised or otherwise licensed by the City.

(b) "Campaign statement" shall mean an itemized report, made according to a form prescribed and supplied by the City Clerk, which when completed and filed, provides the information required in Section 27.2932 of this division.

(c) "Candidate" shall mean any individual who is listed on the ballot for nomination for or election to any City office, or who otherwise has taken affirmative action to seek nomination or election to public office, or who receives a contribution or makes an expenditure or gives his consent for any other person to receive a contribution or make expenditure with a view to bringing about his nomination or election to any City office, whether or not the specific City office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he has announced his candidacy or filed a declaration of candidacy at such time. "Candidate" also includes the holder of any City office who is the subject of a recall election.

(d) "City office" shall mean the offices of Mayor, Councilman and City Attorney of The City of San Diego.

(e) "Closing date" means the date through which any report or statement filed under this division is required to be complete.

(f) "Committee" shall mean any person or combination of two or more persons acting jointly in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(g) "Contribution" shall mean a gift, subscription, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or voter approval of one or more measures. The term "contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies and similar fund raising events; a candidate's own money or property used on behalf of his candidacy; the granting of credit in the normal course of business; the granting to a candidate or committee of discounts or rebates not available to the general public; and payments for the services of any person serving in behalf of a candidate or committee, when such payments are not made from contributions the candidate or committee otherwise must report under the terms of this division. The term "contribution" further includes any transfer, gift, loan, advance, deposit, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, received directly or indirectly by a committee from another committee. The term "contribution" shall not include a gift of service or labor when volunteered by the person performing the service of labor, but shall include a gift of service or labor paid for by a person other than the person performing the service of labor. The term "contribution" shall not include the cost of an event held in honor or behalf of a candidate or committee when the total cost of the event amounts to no more than two hundred dollars (\$200) and when the event is not held for the purpose of obtaining contributions to the candidate or committee.

(h) "Election" shall mean any primary, general or special municipal election held in the City of San Diego, including an initiative, referendum or recall election.

(i) "Enforcement authority" shall mean the officer, agent or organization designated by resolution of the City Council to enforce the provisions of this division. Nothing in this division shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this division under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(j) "Expenditure" shall mean a payment, pledge or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of or in opposition to the nomination or election of one or more candidates or the qualification for the ballot or adoption of one or more measures. The term "expenditure" includes any transfer, payment, gift, loan, advance, deposit, pledge, contract agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly by one committee to another committee.

(k) "Measure" shall mean any City Charter amendment or other proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

(l) "Occupation and principal place of business" shall mean the type of work or title, name of employer or employing organization and city of employment or, if self-employed, the type of work or profession and city where self-employed of any person whose "occupation and principal place of business" is required to be disclosed by the terms of this division.

(m) "Persons" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

SEC. 27.2921 CAMPAIGN CONTRIBUTION TRUST FUND — ESTABLISHED — TRUSTEE — ACCOUNTS

The City Auditor and Comptroller shall establish a Campaign Contribution Trust Fund of which he shall serve as trustee. Every campaign contribution to a candidate or committee immediately upon its receipt by the candidate, committee or campaign treasurer shall be paid over to the Campaign Contribution Trust Fund. The trustee shall keep the contributions received by the Fund segregated in accounts established for each candidate and each committee, which accounts shall hereinafter be referred to as Fund accounts. Where a candidate and a committee are permitted under paragraph (f) of Section 27.2931 to file a joint campaign statement, the trustee may establish and maintain one joint Fund account for the candidate and the committee.

SEC. 27.291 CAMPAIGN STATEMENT — REQUIRED

(a) Each candidate and each committee supporting or opposing a candidate or candidates shall file a campaign statement not later than:

- (1) Thirty-three days prior to the primary election;
- (2) Seven days prior to the primary election;
- (3) Seven days prior to the general election;
- (4) Within 65 days after the general election.

(b) Each committee supporting or opposing one or more measures shall file a campaign statement not later than:

- (1) Thirty-five days prior to the election;
- (2) Seven days prior to the election;
- (3) Not later than 70 days after the election.

(c) Not later than 65 days after a measure has been qualified for the ballot, the proponents shall file a campaign statement, the closing date of which shall be the 58th day following qualification of the measure.

(d) If any proposed measure does not qualify for the ballot, the proponents shall file a campaign statement within 65 days after the final deadline for circulating the petition, the closing date of which shall be the 58th day following the deadline.

(e) Every candidate and committee that receives contributions or makes expenditures during the periods specified in this paragraph, and every official holding an elected City office shall file campaign statements as provided in this paragraph, unless the candidate, committee or person holding elected City office is required to file campaign statements in connection with any election or elections held within the periods specified in subparagraphs (1) and (2):

(1) For the period January 1 through June 30, campaign statements shall be filed not later than July 31.

(2) For the period July 1 through December 31, campaign statements shall be filed not later than January 31.

If a campaign statement was filed in connection with an election held during the six-month period specified in this paragraph, the period covered by the campaign statement filed pursuant to this paragraph shall begin from the day after the closing date of the previous campaign statement. So long as a candidate or committee has unpaid obligations, whether legally enforceable or not, still outstanding or has unexpended balances of contributions totaling more than one hundred dollars (\$100), the candidate or committee shall file a campaign statement at the times specified in this paragraph.

(f) Where a committee is formed for the sole purpose of acting in aid of or in behalf of the nomination or election of a candidate and the contributions received and expenditures made by the committee are identical to those contributions received and expenditures made by the candidate, one joint campaign statement may be filed by the candidate and the committee at each time required by this section.

SEC. 27.2932 CAMPAIGN STATEMENT — CONTENTS

(a) Each campaign statement filed in accordance with the terms of this division shall contain the following information:

(1) Under the heading "receipts," the total amount of contributions received, and under the heading "expenditures," the total amount of expenditures made during the period covered by the campaign statement and the cumulative amount of such totals (provided that if any loans have been repaid during the period covered by the campaign statement, the amount of such repayment shall be subtracted from the total amount of contributions received and expenditures made, and provided further that forgiveness of a loan or payment of a loan by a third party shall not be included in such totals).

(2) The total amount of contributions received during the period covered by the campaign statement from persons who have given fifty dollars (\$50) or more.

(3) The total amount of contributions received during the period covered by the campaign statement from persons who have given less than fifty dollars (\$50).

(4) The total amount of expenditures made during the period covered by the campaign statement to persons who have received fifty dollars (\$50) or more.

(5) The total amount of expenditures disbursed during the period covered by the campaign statement to persons who have received less than fifty dollars (\$50).

(6) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(7) The full name of each person from whom a contribution or contributions totaling fifty dollars (\$50) or more has been received, together with his street address, occupation, and the name of his employer, if any, or the principal place of business if he is self-employed, the amount he contributed, the date on which each contribution was received during the period covered by the campaign statement, and the cumulative amount he contributed. In the case of committees which are listed as contributors, the campaign statement shall also contain the number assigned to the committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated in regard to the lender and any person who is liable directly, indirectly or contingently on the loan, together with the date and amount of the loan and, if the loan has been

repaid, the date of repayment and by whom paid.
(8) The full name and street address of each person to whom an expenditure or expenditures totaling fifty dollars (\$50) or more has been made, together with the amount of each separate expenditure to each person during the period covered by the campaign statement; a brief description of the consideration for which the expenditure was made; the full name and street address of the person providing the consideration for which the expenditure was made if different from the payee; and in the case of committees which are listed, the number assigned to each such committee by the Secretary of State or if no such number has been assigned, the full name and street address of the treasurer of the committee.

(9) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures for or against each such candidate or measure.

(10) The full name, residential and business addresses and telephone numbers of the filer or, in the case of a campaign statement filed by a committee, the name and telephone number of the committee and the committee's street address and telephone number.

(11) In a campaign statement filed by a candidate, the full name and street address of any committee, of which he has knowledge, which has received contributions or made expenditures on behalf of his candidacy, along with the full name, street address and telephone number of the treasurer of such committee.

(12) In the case of extension of credit totaling fifty dollars (\$50) or more in the normal course of business, the name of the business entity, the business address, the amount of credit extended and the purpose for which the credit was extended.

(b) Where goods, materials, services, facilities or anything of value other than money is contributed or expended, the monetary value thereof shall be the fair market value.

(c) Campaign statements shall include all information which is required by this section, but which has not been reported previously, for contributions and expenditures as recorded by the campaign treasurer under the requirements of paragraph (a) of Section 27.2912 of this division up to no more than three (3) days prior to the filing deadline, paragraph (c) of Section 27.2912 of this division to the contrary notwithstanding.

(d) In order to determine for purposes of subparagraphs (2), (3), (4), (5), (7), and (8) of paragraph (a) of this section whether fifty dollars (\$50) has been contributed by or expended to any person, only those contributions and expenditures which are includable within the cumulative amount shall be considered.

SEC. 27.2934 CAMPAIGN STATEMENT — FILING
Each campaign statement required to be filed by this division shall be filed with the City Clerk, at his office, during regular business hours. When a campaign statement required to be filed by this division has been sent by first-class registered mail, addressed to the City Clerk, at his office, it shall for the purpose of any deadline, be deemed to have been received by the City Clerk on the date of the deposit in the mail. It shall be presumed until the contrary is established that the date shown by the post office cancellation mark on the envelope containing the campaign statement is the date it was deposited in the mail.

SEC. 27.2935 CAMPAIGN STATEMENT — EXCEPTIONS — DECLARATION
A candidate is not required to file a campaign statement if neither the contributions received nor the expenditures made on behalf of the campaign exceed two hundred dollars (\$200). However, such a candidate shall file with the City Clerk a written declaration, verified as provided in paragraph (c) of Section 27.2933, at the times specified in Section 27.2931, that neither the campaign contributions nor the expenditures of the candidate have exceeded two hundred dollars (\$200). If contributions received or expenditures made thereafter exceed a sum total of two hundred dollars (\$200), including contributions or expenditures made previously, the candidate shall file campaign statements there-
SEC. 27.2941 CAMPAIGN CONTRIBUTIONS — LIMITATIONS

(a) No person shall solicit or accept, any contribution which will cause the total amount contributed by such a candidate and no campaign treasurer shall accept, any contribution with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed two hundred and fifty dollars (\$250).

(b) No person shall make, and no campaign treasurer shall accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to a measure to exceed five hundred dollars (\$500).

(c) No candidate shall make any contribution which will cause the total amount contributed by him to his campaign treasurer and all political committees supporting him to exceed, with respect to a single election, ten times the limit specified in paragraph (a) of this section.

(d) No contribution or expenditure of fifty dollars (\$50) or more shall be made in cash. Any contribution of fifty dollars or more shall be made in-kind contribution shall be made by a written instrument containing the name of the donor and the name of the payee.

(e) Extensions of credit for a period of more than two hundred fifty dollars (\$250) are prohibited. Provided, however, a candidate may personally borrow such funds within the total permitted by paragraph (c) above and such funds shall be considered as a contribution by the candidate himself; provided, further, however, that such transaction is fully disclosed and documented.

(f) If any person is found guilty of violating the terms of this section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this section to the City Treasurer for deposit in the General Fund of the City.

SEC. 27.2942 CORPORATE AND LABOR UNION CONTRIBUTIONS
(a) No corporation, partnership, labor union or other business or labor organization shall make a contribution to any candidate or committee; provided, however, that this section shall not apply to contributions made to a committee which is organized solely for the purpose of supporting or opposing the qualification for the ballot or adoption of one or more measures.

(b) No officer, partner, employee, agent or attorney or other representative of a corporation shall aid, abet, advise or participate in a violation of this section.

(c) No person shall knowingly accept a payment or contribution made in violation of this section.

(d) If a campaign treasurer is offered a contribution which would be in excess of the limitation, the treasurer must refuse the contribution. If, however, a contribution is received which is in violation of this section, he shall report in writing within five (5) days of the receipt of the contribution to the Enforcement Authority, the facts surrounding such payment or contribution. Any such payment or contribution received shall be paid to the treasurer of the City of San Diego, who shall cause such money to be placed in the Election Fund (Department 03.90) to be used for the purpose of defraying the costs of elections borne by The City of San Diego, and shall not be used to benefit any candidate or committee.

SEC. 27.2951 CAMPAIGN EXPENDITURES — UNCONTROLLED BY CANDIDATE OR COMMITTEE
Persons or organizations not subject to the control of a candidate or committee but who make expenditures for or against a candidate or broadcast that it was not authorized by a candidate or committee, when such expenditures in whole or part would have been covered by the provisions of this ordinance if they were subject to the control of a candidate or committee. Such persons or organizations shall comply with all filing requirements imposed on candidates and committees by this division.

SEC. 27.2953 CAMPAIGN EXPENDITURES RECEIVED BY COMMUNICATIONS MEDIA — STATEMENT REQUIRED
Each candidate or committee shall require each newspaper, periodical, broadcast station, direct mailing company, printer and advertising agency which accepts expenditures for or against a candidate, political committee or political treasurer with respect to such election, such statement seven (7) days before an election, and again not more than thirty (30) days after an election, to file with the City Clerk a statement listing the amounts paid and obligations incurred by such candidate, political committee or political treasurer as provided in paragraph (c) of Section 27.2933. At the discretion of either the City Clerk or the Enforcement Agency, a consolidated statement may be filed of all amounts paid and obligations incurred by every candidate and committee from whom such newspaper, periodical, broadcast station, direct mailing company, printer or advertising agency has accepted expenditures. Such a consolidated statement shall state separately the expenditures of each candidate and committee.

Section 3. Pursuant to Section 17 of the Charter of The City of San Diego, this ordinance, as one relating to elections, shall take effect and be in force on June 20, 1975.
Introduced on June 5, 1975.
Passed and adopted by the Council of The City of San Diego on June 5, 1975.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By: KATHLEEN MARTINEZ, Deputy.

(Seal)
Published June 20, 1975

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